

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

TODD CORBET and HELENA CORBET,)	
Individually, and as Parents of BENJAMIN)	
CORBET, deceased)	CASE NO. 1:22-cv-2457-SEB-MG
Plaintiffs,)	
)	
vs.)	
)	
DIAMOND AIRCRAFT INDUSTRIES,)	
INC.)	
Defendants.)	

AMENDED COMPLAINT FOR DAMAGES

Come now the Plaintiffs, Todd Corbet and Helena Corbet, Individually and as Parents and Legal Guardians of Benjamin Corbet, deceased, by counsel, and for their cause of action against the Defendant Diamond Aircraft Industries, Inc., and allege and state as follows:

1. At all times relevant to this action, Plaintiffs were residents of Franklin, Indiana, in Johnson County.
2. That Plaintiffs, Todd Corbet and Helena Corbet, are and were the natural parents of the deceased, Benjamin Corbet.
3. The deceased, Benjamin Corbet, age 21, lived with his parents Todd Corbet and Helena Corbet in Franklin, Indiana, at the time of his death. The plaintiffs are residents of the State of Indiana.
4. That Plaintiffs, Todd Corbet and Helena Corbet, bring this action against Defendant for the Wrongful Death of their child, Benjamin Corbet.
5. At all times relevant to this action, Defendant, Diamond Aircraft Industries, Inc., a Canadian corporation, doing business in the state of Indiana through the sales of its aircrafts within the state of Indiana, was the manufacturer of the aircraft Diamond DA40 involved in the plane crash that resulted in the death of Benjamin Corbet. Defendant, Diamond Aircraft Industries, Inc.,

is an Ontario corporation organized under the laws of Ontario, Canada and with a principal place of business in Ontario, Canada. Diamond is not a citizen of any state in the United States but is subject to the personal jurisdiction of this Court due to having substantial contacts within the State of Indiana due to placing its airplanes in the stream of commerce in Indiana.

6. Subject matter jurisdiction exists pursuant to 28 USC § 1332 as there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

7. On June 6, 2021, Benjamin was a student in a flight training class when the Diamond DA40 crashed into a field in Burlington, Montgomery County, Indiana.

8. During the flight training class on June 6, 2021, the Diamond DA40 was able to get into spin during stall training and the flight instructor was unable to get the Diamond DA40 out of the spin and the Diamond DA40 crashed into the field.

9. Benjamin Corbet died as a result of the crash.

10. The flight instructor died as a result of the crash.

11. Defendant had a duty to provide Benjamin Corbet with a safe plane during his flight instruction.

12. The Diamond DA40 that was involved in the crash was purchased and owned by a flight school operating out of Marion County, Indiana.

13. The Defendant's plane, the Diamond DA40, was not safe for flight in flight schools.

14. The Defendant's plane, the Diamond DA40, was not safe for stall or spin training.

15. The Defendant negligently allowed the Diamond DA40 to be utilized in flight training classes when it was unsafe to do so given that it is manufactured to be difficult to get out of a spin.

16. The Defendant failed to provide proper training or instructions to the flight school

on getting the Diamond DA40 out of a spin, including incipient spins, during training sessions.

17. The Defendant failed to investigate whether the flight school's instructors were properly instructed, trained, or certified in stall training, spin training, and spin recovery before they were allowed to fly the Diamond DA40 during flight training sessions, including during stall and/or spin training.

18. The Defendant failed to warn students such as Benjamin Corbet of the potential harm of flying the Diamond DA40 during flight training sessions, including during stall or spin training sessions.

19. The Defendant's plane, the Diamond DA40, was defective in its design, manufacture, distribution, warnings, and instructions including the fact that the Diamond DA40 was unreasonably difficult to get out of a spin (also known as spin recovery) resulting in the crash at issue.

20. Defendant breached its duty to Plaintiffs and their son Benjamin Corbet in failing to manufacture a safe aircraft, failing to warn of the dangers of flying and/or spinning the aircraft, and failing to instruct flight schools, instructors, and students on how to get a Diamond DA40 out of a spin/engage in spin recovery.

21. As a result of Defendant's negligence, Benjamin died.

22. As a direct and proximate result of the Defendant's careless and negligent acts and omissions Benjamin Corbet suffered fatal injuries.

23. As a direct and proximate result of the Defendant's careless and negligent acts and omissions, Todd Corbet and Helena Corbet, have suffered damages as a result of the loss of their son Benjamin Corbet including but not limited to the loss of services, love and companionship, and expenses.

24. Plaintiffs Todd Corbet and Helena Corbet claim all damages to which they are

entitled under Indiana law.

WHEREFORE, the Plaintiffs demand judgment against the Defendant in the amount to be proven at the trial in this cause, for the wrongful deaths of Benjamin Corbet, the loss of services of Benjamin Corbet, the loss of love and companionship of Benjamin Corbet, and other expenses incurred by the Plaintiffs, Todd Corbet and Helena Corbet, as a result of Benjamin Corbet's death, attorney fees and other pecuniary or non-pecuniary losses and damages, court costs, and all other proper relief in the premises.

REQUEST FOR TRIAL BY JURY

COMES now the Plaintiffs, by counsel and files herein their request for trial by jury for the above action.

Respectfully submitted,

/s/ Katherine Karres

Katherine Karres (#27192-49)

Hurst Limontes, LLC

50 South Meridian Street, Suite 600

Indianapolis, IN 46204-3680

317-636-0808/FAX: 317-633-7680

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served via the Court's Electronic Filing System this May 8, 2023, addressed to the following:

Scott Harkness
Myekeal D. Smith Jr.
NORRIS CHOPLIN SCHROEDER, LLP
101 West Ohio Street, Ninth Floor
Indianapolis, IN 46204

Ross Cunningham
Bryan S. David
CUNNINGHAM SWAIM, LLP
4015 Main Street, Suite 200
Dallas TX 75226

/s/Katherine Karres
Katherine G. Karres, #27192-49
Attorney for Plaintiffs

Hurst Limontes LLC
50 S. Meridian St., Suite 600
Indianapolis, IN 46204
317-636/0808 / Fax 317-633-7680
kkarres@billhurst.com